

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

THURSDAY, THE 9TH AUGUST 2007 / 18TH SRAVANA 1929

WP(C).No. 24272 of 2007(M)

OS.99/2004 OF SUB COURT, NEYYATTINKARA.

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PETITIONERS/DEFENDANTS - JUDGMENT DEBTORS:

- 1. SUBRAMANYA BAKERY AND SWEET STALL,
REPRESENTED BY ITS SOLE PROPRIETOR, S.GOPINATHAN,
ALUMMOODU, NEYYATTINKARA.**
- 2. S.SATHIKUMAR, AGED 48, S/O. SADASIVAN,
CHANDRA VILASOM, PAZHAYA ROAD,
IDICHAKKAPLAMOODU.**

**BY ADV. SRI.R.T.PRADEEP,
SRI.V.VIJULAL.**

RESPONDENT/PLAINTIFF - DECREE HOLDER:

**CATHOLIC SYRIAN BANK, REPRESENTED BY
NEYYATTINKARA BRANCH MANAGER.**

BY

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 09/08/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

M.N.KRISHNAN, J.

WP(C)No. 24272 OF 2007 M

Dated this the 9th August, 2007.

JUDGMENT

This writ petition is filed seeking to set aside the order passed on 20.2.2007 . The order reads as follows:-

"Rs.2,000/- paid. Issue warrant. For return of warrant."

From the papers it is revealed that the respondent has raised a contention regarding the plea of no means. I am informed that evidence was also let in. But unfortunately I do not find any finding to the effect that the judgment debtors have the means to pay and they are willfully neglecting to pay the amount. Unless one is convinced about those factors it may not be correct to order warrant of arrest against the judgment debtors. This Court on so many occasions has held that orders can be brief but not blank. I again remind the court below on the said point and this court can now only set aside the order and direct the court below to consider the matter afresh and pass an order with reasoning so that the appellate court can always understand the contents of the order. Therefore, the order under challenge is set aside and is remitted back to the court below and the court is directed to give notice to the decree holder as well and thereafter hear it. After

hearing both sides, pass an order in accordance with law and till that time the judgment debtors shall not be arrested and detained in prison. Writ petition is disposed of accordingly.

M. N. KRISHNAN
Judge

jj